

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL MEMORANDUM

SB 772 – HB 1385

April 29, 2009

SUMMARY OF AMENDMENT (007107): Deletes all language after the enacting clause and states the policy of the State of Tennessee that people with mental illness who are determined to be a danger to themselves and in need of physical restraint shall be transported by the sheriff or secondary transportation agents. People who do not present themselves as a danger to themselves may be transported by one or more friends, neighbors, other mental health professionals familiar with the person, relatives of the person, or member of the clergy, provided that the persons are willing and able to provide transportation. Requires the sheriff or other transportation agent to give notice to the facility of the whereabouts of the individual being admitted and the estimated time of arrival. Grants prescreening agents, physicians, or licensed psychologists state employee status and prohibits such persons and the entities that employ them from being held civilly liable for damages arising out of a transport if it is determined that an involuntary admission for mental health treatment patient does not need to be restrained or have vehicle security when being transported.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$3,100/Each One-Day Meeting
\$98,700/Recurring

Decrease Local Expenditures - \$206,100

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – Not Significant

Decrease Local Expenditures - \$108,000

Assumptions applied to amendment:

- Currently, individuals can only be transported by secondary transportation agents, municipal law enforcement agencies, regional

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mental health institute (RMHI) staff, others associated with the individual if a prescreening agent, physician, or licensed psychiatrist determines that vehicle security or restraints are not necessary.

- According to the Department of Mental Health and Developmental Disabilities (DMHDD), most agents, physicians or psychiatrists will not make that determination due to liability issues.
- The original bill exempted such agents and the entities that employ them from being held civilly liable for damages arising out of a transport if it is determined that an involuntary admission for mental health treatment patient does not need to be restrained or have vehicle security when being transported. The proposed bill as amended does not include this exemption.
- The bill as amended requires the hospital or facility to receive notice of the estimated time of arrival of the individual who is being transported and the individuals who will be transporting the individual for admission. There should not be a significant increase in transports by the RMHI staff to return these individuals to their homes if hospital admission is not required.
- DMHDD estimates that there will be 10,670 emergency admissions that will not require restraints or security. Fifty percent, or 5,335 individuals, will be transported by the local sheriffs departments.
- Of the remaining 5,335 individuals, 25 percent, or 1,334, will be transported by family members.
- The total decrease in transports by the sheriffs departments is estimated to be 1,964 (1,334 in emergency admissions + 630 turn aways).
- It is estimated that a total of 200,000 round-trip miles at \$.54 per mile will not be traveled by the sheriffs resulting in a decrease in expenditures of \$108,000 (200,000 x \$.54).

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/kml